

S.B.Civil Second Appeal NO.330/2004
Union of India & Ors.
vs.
Rajasthan State Industrial Development & Investment Corporation
& Anr.

DATE OF ORDER : - 27.10.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. Vikaran Purohit, for the appellant.

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Heard learned counsel for the appellant.

This second appeal is against the judgment and decree passed by the first appellate court dated 7th Dec., 2000 in Civil Appeal Decree No.20/2000 by which the first appellate court allowed the appeal of the Rajasthan State Industrial Development and Investment Corporation Ltd. and its Engineer and set aside the judgment and decree of the trial court dated 10th August, 2000 by which the trial court dismissed the suit of the plaintiff.

It appears from the facts of the case that the Rajasthan State Industrial Development and Investment Corporation Ltd., a State of Rajasthan undertaking filed the suit for injunction alleging therein that the land of Khasra No.206 measuring 68 Bighas was allotted to the plaintiff-respondent by the

State Government on 29.2.1980. After the allotment of the land and delivery of the possession, the entries were made in the revenue record and new Khasra No.106/1098 was given to old Khasra No.206. The plaintiff developed the land and allotted industrial plots to various allottees, but on 16th Oct., 1993 the defendant appellant namely, the Railway Department of the Union of India tried to trespass over the land of the plaintiff. Therefore, the plaintiff-respondent filed the suit for injunction. The trial court dismissed the suit vide judgment and decree dated 10th August, 2000. The respondents preferred appeal. The appellate court held that in fact, the suit was relating to the boundary dispute and the trial court committed error of fact in holding that possession was not delivered to the respondent-plaintiff of the land in question. The first appellate court observed that this is not in dispute that after allotment of the land, the plaintiff-respondent developed the plots and allotted those plots to its lessee. The first appellate court held that since the respondent-plaintiffs proved their possession over the land in dispute, therefore, the appellant-defendants have no right to dispossess the plaintiff from the land in question without following the process of law.

After going through the facts of the case, I do not find that this appeal involves any substantial questions of law rather no question of law is involved in this appeal and when the rights of the appellants have already been

protected by permitting them to take action against the respondents, if law permits to them.

In view of the above, I do not find any merit in this appeal and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal / -